

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT H. LUKE,

Plaintiff,

v.

THE CITY OF TACOMA, a municipal
corporation, et al.,

Defendants.

CASE NO. C18-5245 BHS

ORDER ON PARTIES' JOINT
STATUS REPORT

This matter comes before the Court on the Court's order requesting a joint status report ("JSR"), Dkt. 91, and the parties' JSR, Dkt. 94.

Relevant here, on October 31, 2019, Defendants moved for a protective order. Dkt. 52. On December 6, 2019, Defendants moved for summary judgment. Dkt. 58. On December 30, 2019, Plaintiff requested that the Court deny the motion for protective order, compel discovery, and permit him to supplement the record; Plaintiff also responded substantively to the summary judgment motion. Dkt. 64. Also on December 30, 2019, as well as on January 2, 2020, Plaintiff filed motions to compel. Dkts. 74, 77.

On January 14, 2020, the Court held a hearing on Defendants' motion for protective order, Dkt. 52, and discussed Plaintiff's related motions to compel, Dkts. 74, 77. Dkt. 86. The Court instructed the parties to meet and confer.

1 On April 3, 2020, the Court requested a JSR from the parties updating the Court
2 on the status of the outstanding discovery and requesting that the parties address what
3 issues on summary judgment the Court may resolve without the discovery. Dkt. 91. On
4 April 24, 2020, the parties filed a JSR notifying the Court that they have been proceeding
5 with discovery and disagree as to the completeness of the discovery provided and as to
6 whether additional discovery is necessary relative to the pending motion for summary
7 judgment but agree that Plaintiff may conduct four additional depositions. Dkt. 94 at 1–2.
8 The parties agree that Plaintiff’s claims against Defendant Frank Krause may be
9 dismissed on the pending motion for summary judgment. *Id.* at 4.

10 Therefore, it is hereby **ORDERED** that Defendants’ motion for summary
11 judgment, Dkt. 58, is **GRANTED** as to Defendant Frank Krause per stipulation of the
12 parties and **DENIED without prejudice** as to the remainder of the motion. Defendants
13 may either renote the existing motion to a later date to accommodate the agreed-upon
14 discovery or may file a new motion once the agreed-upon discovery has been completed.
15 The Clerk shall terminate Defendant Frank Krause as a party. The parties may contact the
16 Courtroom Deputy to schedule a new trial date.

17 Dated this 27th day of April, 2020.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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